UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

EDDIE R. HUDSON,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 1:17-cv-1821-SEB-MJD
	)	
SUPERINTENDENT,	)	
	)	
Respondent.	)	

Entry Denying Petition for Writ of Habeas Corpus and Directing Entry of Final Judgment

The petition of Eddie Hudson for a writ of habeas corpus challenges a prison disciplinary proceeding identified as No. IYC 17-03-0019. For the reasons explained in this Entry, Hudson's habeas petition must be **denied**.

A. Overview

Prisoners in Indiana custody may not be deprived of good-time credits, *Cochran v. Buss*, 381 F.3d 637, 639 (7th Cir. 2004) (per curiam), or of credit-earning class, *Montgomery v. Anderson*, 262 F.3d 641, 644-45 (7th Cir. 2001), without due process. The due process requirement is satisfied with the issuance of advance written notice of the charges, a limited opportunity to present evidence to an impartial decision-maker, a written statement articulating the reasons for the disciplinary action and the evidence justifying it, and "some evidence in the record" to support the finding of guilt. *Superintendent, Mass. Corr. Inst. v. Hill*, 472 U.S. 445, 454 (1985); *Wolff v. McDonnell*, 418 U.S. 539, 570-71 (1974); *Piggie v. Cotton*, 344 F.3d 674, 677 (7th Cir. 2003); *Webb v. Anderson*, 224 F.3d 649, 652 (7th Cir. 2000).

B. The Disciplinary Proceeding

On February 28, 2017, Correctional Officer Hopkins issued a Report of Conduct charging Hudson with a violation of Code A-106. The Report of Conduct states:

> On February 28, 2017 at approximately 8:45 PM I, Officer C. Hopkins, was conducting a shakedown of Offender Hudson's, Eddie DOC #258703 person and property. While searching under his bed mattress I discovered two sharpened razor blades attached to a broken toothbrush handle. I secured it on my person and continued my search producing a black in color click pen in the offender's secured property box. I then secured it on my person along with the improvised weapon and concluded my search producing no further contraband. The offender was issued a Notice of confiscated property for the items taken. I then questioned the offender about the weapon and he denied all knowledge. The contraband was then taken to the shift office for photographing and then placed in DHB Locker #26.

Hudson was notified of the charge on March 3, 2017, when he was served with the Report of Conduct and the Notice of Disciplinary Hearing (Screening Report). The Screening Officer noted that Hudson did not request any witnesses but did request a 24-hour review of the security video. The full day review of video was denied, but footage was reviewed during the time the weapon was found.

The Hearing Officer conducted a disciplinary hearing on March 6, 2017. The Hearing Officer noted that Hudson stated, "I keep to myself. I read my bible and keep to myself." The Hearing Officer determined that Hudson had violated Code A-106 based on the staff reports, the offender's statement, the photo, and the video. The sanctions imposed included the deprivation of 125 days of earned credit time and the demotion from credit class B to C (suspended).

Hudson filed an appeal to the Facility Head, which was denied on March 20, 2017. Hudson subsequently appealed to the Final Review Authority, who denied it on April 1, 2017.

C. Analysis

Hudson challenges the disciplinary action against him arguing that the video evidence he requested was not presented; that he was not provided with 24-hours' notice of the hearing; and that the weapon must have been placed under his mattress by another inmate.

1. *Denial of Evidence*

Hudson first argues that he was not provided with the video review that he requested. Due process requires "prison officials to disclose all material exculpatory evidence," unless that evidence "would unduly threaten institutional concerns." *Jones v. Cross*, 637 F.3d 841, 847 (7th Cir. 2011) (citation and quotation marks omitted). In the prison disciplinary context, "the purpose of the [this] rule is to insure that the disciplinary board considers all of the evidence relevant to guilt or innocence and to enable the prisoner to present his or her best defense." *Id.* (citation and quotation marks omitted). Evidence is exculpatory if it undermines or contradicts the finding of guilty, *see id.*, and it is material if disclosing it creates a "reasonable probability" of a different result, *Toliver v. McCaughtry*, 539 F.3d 766, 780-81 (7th Cir. 2008).

During screening, Hudson requested a 24-hour review of security video. This request was denied, but video was reviewed for the time when the weapon was found under Hudson's mattress. Hudson claims that he submitted an addendum before the hearing requesting a review of the 12 hours before the weapon was found. The Respondent argues that whether Hudson requested 12 or 24-hour review of the security video, such a request is properly denied. The Respondent asserts that it is unrealistic to expect IDOC personnel to review hours of security video on the suggestion that another inmate might be seen planting the contraband. Here, there is no specific information, beyond Hudson's speculation, that someone put the weapon under his mattress. Without such specific information, Hudson has not shown that there is a "reasonable

probability" of a different result if the 12-hour or 24-hour video had been reviewed. He has therefore failed to show that his due process right to present evidence was denied.

2. *24 hours' notice*

Hudson also argues that he was not given 24 hours' notice of the hearing. He states that he was screened on Friday March 2, 2017 and sent an addendum that day requesting witness C.O. Hopkins. The hearing was held on March 6, 2017.

Due process requires that an inmate be given advanced "written notice of the charges . . . in order to inform him of the charges and to enable him to marshal the facts and prepare a defense." *Wolff v. McDonnell*, 418 U.S. 539, 564 (1974). "The notice should inform the inmate of the rule allegedly violated and summarize the facts underlying the charge." *Northern v. Hanks*, 326 F.3d 909, 910 (7th Cir. 2003) (citations and quotation marks omitted); *see Whitford v. Boglino*, 63 F.3d 527, 534 (7th Cir. 1995) ("The notice should include the number of the rule violated . . . and a summary of the facts underlying the charge." (citations and quotation marks omitted)). Hudson was provided with notice of the charges more than 24 hours before the disciplinary hearing was held. This notice included a copy of the Conduct Report which stated that the weapon had been found in Hudson's mattress. The Conduct Report provided sufficient notice of the charges against Hudson to allow him to prepare a defense. He therefore has not shown that he was not provided with adequate notice of the hearing.

3. *"Open Dorm" Policy*

Hudson also argues that the "open dorm" policy means that anyone can have access to his area. He "maintain[s] that [the] weapon was placed under [his] mattress" by another inmate. This may be understood to be a challenge to the sufficiency of the evidence. Challenges to the sufficiency of the evidence are governed by the "some evidence" standard. "[A] hearing

officer's decision need only rest on 'some evidence' logically supporting it and demonstrating that the result is not arbitrary." *Ellison v. Zatecky*, 820 F.3d 271, 274 (7th Cir. 2016); *see Eichwedel v. Chandler*, 696 F.3d 660, 675 (7th Cir. 2012) ("The some evidence standard . . . is satisfied if there is any evidence in the record that could support the conclusion reached by the disciplinary board.") (citation and quotation marks omitted). The "some evidence" standard is much more lenient than the "beyond a reasonable doubt" standard. *Moffat v. Broyles*, 288 F.3d 978, 981 (7th Cir. 2002). "[T]he relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board." *Hill*, 472 U.S. at 455-56. Here, the weapon was found under his mattress. This is sufficient evidence to support the disciplinary conviction.

To the extent that this is understood to be an argument that DOC policy was violated, such an argument cannot support habeas relief. *See Keller v. Donahue*, 271 Fed. Appx. 531, 532 (7th Cir. 2008) (rejecting challenges to a prison disciplinary proceeding because, "[i]nstead of addressing any potential constitutional defect, all of [the petitioner's] arguments relate to alleged departures from procedures outlined in the prison handbook that have no bearing on his right to due process").

D. Conclusion

"The touchstone of due process is protection of the individual against arbitrary action of the government." *Wolff*, 418 U.S. at 558. There was no arbitrary action in any aspect of the charge, disciplinary proceedings, or sanctions involved in the events identified in this action, and there was no constitutional infirmity in the proceeding which entitles Hudson to the relief he seeks. Accordingly, Hudson's petition for a writ of habeas corpus must be **denied** and the action dismissed.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 3/6/2018

SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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